



General Assembly

January Session, 2017

Raised Bill No. 995

LCO No. 5064



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE REDUCTION OF CERTAIN LAND-BASED
MARINE AND FRESHWATER DEBRIS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 For purposes of sections 22a-243 to 22a-245c, inclusive, as amended
4 by this act:

5 (1) "Carbonated beverage" means beer or other malt beverages, and
6 mineral waters, soda water and similar carbonated soft drinks in liquid
7 form and intended for human consumption;

8 (2) "Noncarbonated beverage" means spirit or liquor and water,
9 including flavored water, nutritionally enhanced water and any
10 beverage that is identified through the use of letters, words or symbols
11 on such beverage's product label as a type of water, but excluding juice
12 and mineral water;

13 (3) "Beverage container" means the individual, separate, sealed

14 glass, metal or plastic bottle, can, jar or carton containing a carbonated
15 or noncarbonated beverage, but does not include a bottle, can, jar or
16 carton (A) three liters or more in size if containing a noncarbonated
17 beverage, [or] (B) made of high-density polyethylene, or (C) fifty
18 milliliters or more in size if containing a spirit or liquor;

19 (4) "Consumer" means every person who purchases a beverage in a
20 beverage container and a cap for use or consumption;

21 (5) "Dealer" means every person who engages in the sale of
22 beverages in beverage containers and caps to a consumer;

23 (6) "Distributor" means every person who engages in the sale of
24 beverages in beverage containers and caps to a dealer in this state
25 including any manufacturer who engages in such sale and includes a
26 dealer who engages in the sale of beverages in beverage containers and
27 caps on which no deposit has been collected prior to retail sale;

28 (7) "Manufacturer" means every person bottling, canning or
29 otherwise filling beverage containers and using caps on such
30 containers that are offered for sale to distributors or dealers or, in the
31 case of private label brands, the owner of the private label trademark;

32 (8) "Place of business of a dealer" means the fixed location at which
33 a dealer sells or offers for sale beverages in beverage containers and
34 caps to consumers;

35 (9) "Redemption center" means any facility established to redeem
36 empty beverage containers and caps from consumers or to collect and
37 sort empty beverage containers and caps from dealers and to prepare
38 such containers and caps for redemption by the appropriate
39 distributors;

40 (10) "Use or consumption" includes the exercise of any right or
41 power over a beverage incident to the ownership thereof, other than
42 the sale or the keeping or retention of a beverage for the purposes of

43 sale;

44 (11) "Nonrefillable beverage container" means a beverage container
45 which is not designed to be refilled and reused in its original shape;
46 [and]

47 (12) "Deposit initiator" means the first distributor to collect the
48 deposit on a beverage container or cap sold to any person within this
49 state; and

50 (13) "Cap" means the metal or plastic component of a beverage
51 container that is designed to be fully removed from such container in
52 order to consume such beverage and that is not otherwise designed to
53 permanently adhere or attach to such beverage container.

54 Sec. 2. Section 22a-244 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2017*):

56 (a) (1) Every beverage container containing a carbonated beverage
57 sold or offered for sale in this state, except for any such beverage
58 containers sold or offered for sale for consumption on an interstate
59 passenger carrier, and every cap shall each have a refund value. Such
60 refund value shall not be less than five cents for the beverage container
61 and not less than five cents for the cap and shall be a uniform amount
62 throughout the distribution process in this state. (2) Every beverage
63 container containing a noncarbonated beverage sold or offered for sale
64 in this state shall have a refund value, except for beverage containers
65 containing a noncarbonated beverage that are [(A)] sold or offered for
66 sale for consumption on an interstate passenger carrier, [, or (B) that
67 comprise any dealer's existing inventory as of March 31, 2009.] Such
68 refund value shall not be less than five cents for the beverage container
69 and not less than five cents for the cap and shall be a uniform amount
70 throughout the distribution process in this state.

71 (b) Every beverage container and cap sold or offered for sale in this
72 state, that has a refund value pursuant to subsection (a) of this section,

73 shall clearly indicate by embossing or by a stamp or by a label or other
74 method securely affixed to the beverage container or cap (1) either the
75 refund value of the container or cap or the words "return for deposit"
76 or "return for refund" or other words as approved by the Department
77 of Energy and Environmental Protection, and (2) either the word
78 "Connecticut" or the abbreviation "Ct.", provided this subdivision shall
79 not apply to glass beverage containers permanently marked or
80 embossed with a brand name.

81 (c) No person shall sell or offer for sale in this state any metal
82 beverage container (1) a part of which is designed to be detached in
83 order to open such container, or (2) that is connected to another
84 beverage container by a device constructed of a material which does
85 not decompose by photodegradation, chemical degradation or
86 biodegradation within a reasonable time after exposure to the
87 elements.

88 Sec. 3. Section 22a-245 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective July 1, 2017*):

90 (a) No person shall establish a redemption center without
91 registering with the commissioner on a form provided by the
92 commissioner with such information as the commissioner deems
93 necessary including (1) the name of the business principals of the
94 redemption center and the address of the business; (2) the name and
95 address of the sponsors and dealers to be served by the redemption
96 center; (3) the types of beverage containers and caps to be accepted; (4)
97 the hours of operation; and (5) whether beverage containers and caps
98 will be accepted from consumers. The operator of the redemption
99 center shall report any change in procedure to the commissioner
100 within forty-eight hours of such change. Any person establishing a
101 redemption center shall have the right to determine what kind, size
102 and brand of beverage [container] containers and caps shall be
103 accepted. Any redemption center may be established to serve all
104 persons or to serve certain specified dealers.

105 (b) A dealer shall not refuse to accept at such dealer's place of
106 business, from any person any empty beverage containers and caps of
107 the kind, size and brand sold by the dealer, or refuse to pay to such
108 person the refund value of a beverage container or cap unless (1) such
109 container or cap contains materials which are foreign to the normal
110 contents of the container or cap; (2) such container or cap is not labeled
111 in accordance with subsection (b) of section 22a-244, as amended by
112 this act; (3) such dealer sponsors, solely or with others, a redemption
113 center which is located within a one-mile radius of such place of
114 business and which accepts beverage containers and caps of the kind,
115 size and brand sold by such dealer at such place of business; or (4)
116 there is established by others, a redemption center which is located
117 within a one-mile radius of such place of business and which accepts
118 beverage containers and caps of the kind, size and brand sold by such
119 dealer at such place of business. A dealer shall redeem an empty
120 container or cap of a kind, size or brand the sale of which has been
121 discontinued by such dealer for not less than sixty days after the last
122 sale by the dealer of such kind, size or brand of beverage container or
123 cap. Sixty days before such date, the dealer shall post, at the point of
124 sale, notice of the last date on which the discontinued kind, size or
125 brand of beverage container or cap shall be redeemed.

126 (c) A distributor shall not refuse to accept from a dealer or from an
127 operator of a redemption center, located and operated exclusively
128 within the territory of the distributor or whose operator certifies to the
129 distributor that redeemed containers or caps were from a dealer
130 located within such territory, any empty beverage containers or caps of
131 the kind, size and brand sold by the distributor, or refuse to pay to
132 such dealer or redemption center operator the refund value of a
133 beverage container or cap unless such container or cap contains
134 materials which are foreign to the normal contents of the container or
135 cap or unless such container or cap is not labeled in accordance with
136 subsection (b) of section 22a-244, as amended by this act. A distributor
137 shall remove any empty beverage container or cap from the premises

138 of a dealer serviced by the distributor or from the premises of a
139 redemption center sponsored by dealers serviced by the distributor,
140 provided such premises are located within the territory of the
141 distributor. The distributor shall pay the refund [value] values to
142 dealers in accordance with the schedule for payment by the dealer to
143 the distributor for full beverage containers and sealed caps and shall
144 pay such refund [value] values to operators of redemption centers not
145 more than twenty days after receipt of the empty container or cap. For
146 the purposes of this subsection, a redemption center shall be
147 considered to be sponsored by a dealer if (1) the dealer refuses to
148 redeem beverage containers or caps and refers consumers to the
149 redemption center, or (2) there is an agreement between the dealer and
150 the operator of the redemption center requiring the redemption center
151 to remove empty beverage containers or caps from the premises of the
152 dealer. A distributor shall redeem an empty container or cap of a kind,
153 size or brand of beverage container or cap the sale of which has been
154 discontinued by the distributor for not less than one hundred fifty
155 days after the last delivery of such kind, size or brand of beverage
156 container or cap. Not less than one hundred twenty days before the
157 last date such containers or caps may be redeemed, the distributor
158 shall notify such dealer who bought the discontinued kind, size or
159 brand of beverage container or cap that such distributor shall not
160 redeem an empty beverage container or cap of such kind, size or brand
161 of beverage containers or caps.

162 (d) In addition to the refund value of a beverage container or cap, a
163 distributor shall pay to any dealer or operator of a redemption center a
164 handling fee of at least one and one-half cents for each container of
165 beer or other malt beverage and one and one-half cents for each cap for
166 such container and two cents for each beverage container of mineral
167 waters, soda water and similar carbonated soft drinks or
168 noncarbonated beverage and two cents for each cap for such container
169 that is returned for redemption. A distributor shall not be required to
170 pay to a manufacturer the refund value of a nonrefillable beverage

171 container.

172 (e) The Commissioner of Energy and Environmental Protection shall
173 adopt regulations, in accordance with the provisions of chapter 54, to
174 implement the provisions of sections 22a-243 to 22a-245, inclusive, as
175 amended by this act. Such regulations shall include, but not be limited
176 to, provisions for the redemption of beverage containers and caps
177 dispensed through automatic vending machines, the use of vending
178 machines that dispense cash to consumers for redemption of beverage
179 containers and caps, scheduling for redemption by dealers and
180 distributors and for exemptions or modifications to the labeling
181 requirement of section 22a-244, as amended by this act.

182 (f) For the purposes of this section, "refund value" means the refund
183 [value] values established by subsection (a) of section 22a-244, as
184 amended by this act.

185 Sec. 4. Section 22a-245a of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective July 1, 2017*):

187 (a) Each deposit initiator shall open a special interest-bearing
188 account at a Connecticut branch of a financial institution, as defined in
189 section 45a-557a, to the credit of the deposit initiator. Each deposit
190 initiator shall deposit in such account an amount equal to the refund
191 [value] values established pursuant to subsection (a) of section 22a-244,
192 as amended by this act, for each beverage container and cap sold by
193 such deposit initiator. Such deposit shall be made not more than one
194 month after the date such beverage container and cap is sold. [,
195 provided for any beverage container sold during the period from
196 December 1, 2008, to December 31, 2008, inclusive, such deposit shall
197 be made not later than January 5, 2009.] All interest, dividends and
198 returns earned on the special account shall be paid directly into such
199 account. Such moneys shall be kept separate and apart from all other
200 moneys in the possession of the deposit initiator. The amount required
201 to be deposited pursuant to this section, when deposited, shall be held

202 to be a special fund in trust for the state.

203 (b) (1) Any reimbursement of the refund value for a redeemed
204 beverage container or cap shall be paid from the deposit initiator's
205 special account, with such payment to be computed, subject to the
206 provisions of subdivision (2) of this subsection, under the cash receipts
207 and disbursements method of accounting, as described in Section
208 446(c)(1) of the Internal Revenue Code of 1986, or any subsequent
209 corresponding Internal Revenue Code of the United States, as
210 amended from time to time.

211 (2) A deposit initiator may petition the Commissioner of Revenue
212 Services for an alternate method of accounting by filing with such
213 deposit initiator's return a statement of objections and other proposed
214 alternate method of accounting, as such deposit initiator believes
215 proper and equitable under the circumstances, that is accompanied by
216 supporting details and proof. The Commissioner of Revenue Services
217 shall promptly notify such deposit initiator whether the proposed
218 alternate method is accepted as reasonable and equitable and, if so
219 accepted, shall adjust such deposit initiator's return and payment of
220 reimbursement accordingly.

221 (c) (1) Each deposit initiator shall submit a report on March 15, 2009,
222 for the period from December 1, 2008, to February 28, 2009, inclusive.
223 Each deposit initiator shall submit a report on July 31, 2009, for the
224 period from March 1, 2009, to June 30, 2009, inclusive, and thereafter
225 shall submit a quarterly report for the immediately preceding calendar
226 quarter one month after the close of such quarter. Each such report
227 shall be submitted to the Commissioner of Energy and Environmental
228 Protection, on a form prescribed by the commissioner and with such
229 information as the commissioner deems necessary, including, but not
230 limited to: (A) The balance in the special account at the beginning of
231 the quarter for which the report is prepared; (B) a list of all deposits
232 credited to such account during such quarter, including all refund
233 values paid to the deposit initiator and all interest, dividends or

234 returns received on the account; (C) a list of all withdrawals from such
235 account during such quarter, all service charges and overdraft charges
236 on the account and all payments made pursuant to subsection (d) of
237 this section; and (D) the balance in the account at the close of the
238 quarter for which the report is prepared.

239 (2) Each deposit initiator shall submit a report on October 31, 2010,
240 for the calendar quarter beginning July 1, 2010. Subsequently, each
241 deposit initiator shall submit a quarterly report for the immediately
242 preceding calendar quarter, on or before the last day of the month next
243 succeeding the close of such quarter. Each such report shall be
244 submitted to the Commissioner of Revenue Services, on a form
245 prescribed by the Commissioner of Revenue Services, and with such
246 information as the Commissioner of Revenue Services deems
247 necessary, including, but not limited to, the following information: (A)
248 The balance in the special account at the beginning of the quarter for
249 which the report is prepared, (B) all deposits credited to such account
250 during such quarter, including all refund values paid to the deposit
251 initiator and all interest, dividends or returns received on such
252 account, (C) all withdrawals from such account during such quarter,
253 including all service charges and overdraft charges on such account
254 and all payments made pursuant to subsection (d) of this section, and
255 (D) the balance in such account at the close of the quarter for which the
256 report is prepared. Such quarterly report shall be filed electronically
257 with the Commissioner of Revenue Services, in the manner provided
258 by chapter 228g.

259 (d) (1) On or before April 30, 2009, each deposit initiator shall pay
260 the balance outstanding in the special account that is attributable to the
261 period from December 1, 2008, to March 31, 2009, inclusive, to the
262 Commissioner of Energy and Environmental Protection for deposit in
263 the General Fund. Thereafter, the balance outstanding in the special
264 account that is attributable to the immediately preceding calendar
265 quarter shall be paid by the deposit initiator one month after the close
266 of such quarter to the Commissioner of Energy and Environmental

267 Protection for deposit in the General Fund. If the amount of the
268 required payment pursuant to this subdivision is not paid by the date
269 seven days after the due date, a penalty of ten per cent of the amount
270 due shall be added to the amount due. The amount due shall bear
271 interest at the rate of one and one-half per cent per month or fraction
272 thereof, from the due date. Any such penalty or interest shall not be
273 paid from funds maintained in the special account.

274 (2) On or before October 31, 2010, each deposit initiator shall pay the
275 balance outstanding in the special account that is attributable to the
276 period from July 1, 2010, to September 30, 2010, inclusive, to the
277 Commissioner of Revenue Services for deposit in the General Fund.
278 Subsequently, the balance outstanding in the special account that is
279 attributable to the immediately preceding calendar quarter shall be
280 paid by the deposit initiator on or before the last day of the month next
281 succeeding the close of such quarter to the Commissioner of Revenue
282 Services for deposit in the General Fund. If the amount of the required
283 payment pursuant to this subdivision is not paid on or before the due
284 date, a penalty of ten per cent of the amount due and unpaid, or fifty
285 dollars, whichever is greater, shall be imposed. The amount due and
286 unpaid shall bear interest at the rate of one per cent per month or
287 fraction thereof, from the due date. Any such penalty or interest shall
288 not be paid from funds maintained in such special account. Such
289 required payment shall be made by electronic funds transfer to the
290 Commissioner of Revenue Services, in the manner provided by
291 chapter 228g.

292 (e) If moneys deposited in the special account are insufficient to pay
293 for withdrawals authorized pursuant to subsection (b) of this section,
294 the amount of such deficiency shall be subtracted from the next
295 succeeding payment or payments due pursuant to subsection (d) of
296 this section until the amount of the deficiency has been subtracted in
297 full.

298 (f) The Commissioner of Revenue Services may examine the

299 accounts and records of any deposit initiator maintained under this
300 section or sections 22a-243 to 22a-245, inclusive, as amended by this
301 act, and any related accounts and records, including receipts,
302 disbursements and such other items as the Commissioner of Revenue
303 Services deems appropriate.

304 (g) The Attorney General may, independently or upon complaint of
305 the Commissioner of Energy and Environmental Protection or the
306 Commissioner of Revenue Services, institute any appropriate action or
307 proceeding to enforce any provision of this section or any regulation
308 adopted pursuant to section 22a-245 to implement the provisions of
309 this section.

310 (h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and
311 12-555a shall be deemed to apply to the provisions of this section,
312 except any provision of sections 12-548, 12-550 to 12-554, inclusive, and
313 12-555a that is inconsistent with the provision in this section.

314 (i) Any payment required pursuant to this section shall be treated as
315 a tax for purposes of sections 12-30b, 12-33a, 12-35a, 12-39g and 12-39h.

316 (j) Not later than July 1, 2010, the Department of Energy and
317 Environmental Protection or successor agency shall establish a
318 procedure that allows each such deposit initiator to take a credit
319 against any payment made pursuant to subsection (d) of this section in
320 the amount of the deposits refunded on beverage containers and caps
321 which such deposit initiator donated for any charitable purpose.

322 Sec. 5. Section 22a-245b of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective July 1, 2017*):

324 Any manufacturer who bottles and sells two hundred fifty thousand
325 or fewer beverage containers and caps for such containers containing a
326 noncarbonated beverage that are twenty ounces or less in size each
327 calendar year may apply to the Commissioner of Energy and
328 Environmental Protection for an exemption from the requirements of

329 sections 22a-244 to 22a-245a, inclusive, as amended by this act, with
330 regard to such beverage containers containing noncarbonated
331 beverages and caps for such containers. Such application shall be
332 accompanied by a sworn affidavit signed by such manufacturer or
333 such manufacturer's authorized agent certifying such manufacturer
334 bottles and sells two hundred fifty thousand or fewer of such beverage
335 containers and caps for such containers per calendar year. Any such
336 application filed on or before April 1, 2009, shall be deemed
337 automatically approved and such exemption shall remain valid until
338 December 31, 2009. Not later than November 1, 2009, and each year
339 thereafter, each such manufacturer or such manufacturer's authorized
340 agent may apply to the commissioner for an exemption in accordance
341 with this section on a form prescribed by the commissioner. The
342 commissioner shall approve each such application not later than thirty
343 days after the receipt of the application by the commissioner, provided
344 the applicant satisfies the requirements of this section.

345 Sec. 6. Section 22a-245c of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective July 1, 2017*):

347 Any manufacturer, dealer or distributor of beverage containers
348 containing noncarbonated beverages and caps may apply to the
349 Governor or the Secretary of the Office of Policy and Management for
350 a delay in the implementation of the requirements imposed by the
351 provisions of sections 22a-244 to 22a-245a, inclusive, as amended by
352 this act, with regard to such beverage containers containing
353 noncarbonated beverages and caps. Such application may be on a form
354 prescribed by the Governor or the secretary. The Governor or the
355 secretary may delay the implementation of such requirements upon
356 the showing of undue hardship to the industries affected by such
357 requirements, but in no case shall such requirements for beverage
358 containers be implemented later than October 1, 2009, and such
359 requirements for caps be implemented not later than July 1, 2018.

360 Sec. 7. (NEW) (*Effective July 1, 2017*) (a) No person shall engage in

361 the act of smoking in any state park.

362 (b) The Commissioner of Energy and Environmental Protection may
363 enforce the provisions of this section and issue a warning for any first
364 violation of the provisions of this section and establish a fine for any
365 second or subsequent violation of the provisions of this section.

366 (c) For purposes of this section, "smoking" means inhaling, exhaling,
367 burning, carrying or otherwise possessing any lighted cigarette, cigar,
368 pipe or any other object or device of any form that contains lighted
369 tobacco or any other smoking product.

370 Sec. 8. (NEW) (*Effective from passage*) On and after October 1, 2017,
371 no person shall dispense in any state park or carry into any state park
372 any plastic straw, fork, spoon or knife, or combination thereof, that is
373 manufactured and intended for disposal after one use. The
374 Commissioner of Energy and Environmental Protection may, within
375 available appropriations, enforce the provisions of this section and
376 establish a fine of not more than twenty-five dollars for any person
377 who violates the provisions of this section on two or more occasions.
378 For any first violation of the provisions of this section, the
379 commissioner shall provide a warning to such person.

380 Sec. 9. (NEW) (*Effective from passage*) The Recycle CT Foundation,
381 Inc., established pursuant to section 22a-228a of the general statutes,
382 shall undertake efforts to promote public information programs and
383 education activities intended to increase awareness of the problems
384 caused by marine debris and decrease the presence of marine debris in
385 the waters of the state and along the shorelines of the state. Such
386 programs and activities may include, but shall not be limited to, the
387 posting of informational signs, in close proximity to such shorelines,
388 that contain educational information concerning ways to decrease the
389 production of marine debris and interactive videos available through
390 the scanning of quick response bar codes that demonstrate the
391 potential effects of marine debris on marine life and the marine habitat

392 and that portray habits, behavior and actions that a person may
 393 undertake to minimize or eliminate such person's production of
 394 marine debris. Such efforts by the Recycle CT Foundation, Inc. may
 395 include, but shall not be limited to, the award of one or more grants,
 396 pursuant to section 22a-228a of the general statutes, for the purpose of
 397 designing, constructing and erecting such signs and producing such
 398 interactive videos.

399 Sec. 10. (NEW) (*Effective from passage*) Each commercial fishing
 400 license issued pursuant to chapter 490 of the general statutes shall
 401 contain a conspicuous statement with or printed on such license
 402 stating that any person who intentionally discards commercial fishing
 403 gear, as defined in section 26-1 of the general statutes, or other litter in
 404 the waters of the state, on public property of the state or on private
 405 property not owned by such person, shall be subject to a fine under
 406 section 22a-250 of the general statutes. Nothing in this section shall be
 407 construed to prohibit the custom of leaving unused or abandoned
 408 commercial fishing gear in the waters of the state for the purpose of
 409 providing habitat and growth structures for marine life provided the
 410 Commissioner of Energy and Environmental Protection recognizes
 411 and approves of such custom.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	22a-243
Sec. 2	<i>July 1, 2017</i>	22a-244
Sec. 3	<i>July 1, 2017</i>	22a-245
Sec. 4	<i>July 1, 2017</i>	22a-245a
Sec. 5	<i>July 1, 2017</i>	22a-245b
Sec. 6	<i>July 1, 2017</i>	22a-245c
Sec. 7	<i>July 1, 2017</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section

Statement of Purpose:

To decrease several of the principal sources of marine debris in the state, including bottle caps, nip bottles, plastic straws, plastic utensils and cigarette butts and promote awareness of the problems caused by marine debris while providing educational information on how to minimize such marine debris.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]